APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,122	11/14/2003	Anton Joseph Kryka	PM060A	1941

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EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-18 are pending.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

3.   Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claim 1 of copending Application No.

10/714,121. Although the conflicting claims are not identical, they are not patentably

distinct from each other because of the following reasons: Claim 1 of the instant

application substantially recites the limitations of claim 1 of the cited copending

application.

Claim 1	Copending Application Claim 1
1. A document processing system having at least one computer running system software that interfaces with transport hardware to provide document control and capture document of images and document data in various formats, wherein an image file stores a plurality of captured document images for subsequent retrieval on an individual basis, the system including a computer readable storage medium storing the system software, the system software on the medium further comprising: instructions for indexing the image file by creating an index file containing indexing data for the captured document images, the index file being in the form of a self-describing document wherein elements describe the indexing data for the captured document images to allow subsequent retrieval of the captured document images on an individual basis.	1. An index file for retrieving on an individual basis, imaging data captured from at least one document by an application running on an imaging subsystem of a document processor, the index file comprising a document-type definition file that is processed with the image data by the imaging subsystem application, the imaging subsystem application interpreting the image data to be retrieved according to the document-type definition file.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the cited limitations as indicated claim 1 of the copending

application because the remaining elements would have performed the same function

as before. Such modification would not interfere with the functionality of the remaining

elements.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Objections

4.   Claims 2, 6, and 7 are objected to because of the following informalities:

- "that" in 2nd line of claims 2 and 6 is not clear, thus needs to be specified;

    and

- Dependency of claim 7 should be claim 6 instead of claim 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson et al. (U.S. Publication No. 2004/0015566) in view of Lal (U.S. Patent No.

6,684,204).

With respect to claim 1, Anderson teaches a document processing system having at least one computer running system software that interfaces with transport hardware to provide document control and capture document of images and document data in various formats, wherein an image file stores a plurality of captured document images for subsequent retrieval on an individual basis, the system including a computer readable storage medium storing the system software (sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, and sections 238-245 on pages 14-15). Anderson teaches instructions for indexing the image file by creating an index file containing indexing data for the captured document images (sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, and sections 238-245 on pages 14-15). Anderson teaches data for the captured document images are in XML (sections 1089-1092 on page 56 and section 1107 on page 56). Anderson does not explicitly disclose the index file being in the form of a self-describing document. However, Lal teaches the index file being in the form of a self-describing document wherein elements describe the indexing data for the captured document images to allow subsequent retrieval of the captured document images on an individual basis (figs. 4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38 in col. 4, line 64 in col. 4 thru line 35 in col. 5) in order to effectively search documents in XML. Therefore, based on Anderson in view of Lal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Lal to the system of Anderson in order to effectively search documents in XML.

With respect to claims 2-4, Lal teaches wherein the index file follows a predetermined set of rules for that make the index valid, index file comprises a document type definition, and the index file is in accordance with the extensible markup language (XML) (figs. 4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38 in col. 4, line 64 in col. 4 thru line 35 in col. 5). Therefore, the limitations of claims 2-4 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

The limitations of claims 5-8 are rejected in the analysis of claims 1-4 above respectively, and these claims are rejected on that basis.

The limitations of claims 9-12 are rejected in the analysis of claims 1-4 above respectively, and these claims are rejected on that basis.

With respect to claim 13, Anderson teaches capturing image data in an imaging subsystem of the document processor, associating the captured image data with an index file, and indexing the captured image data according to the index file to allow subsequent retrieval of the captured image data on an individual basis (sections 60-69 on pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, and sections 238-245 on pages 14-15). Anderson teaches data for the captured document images are in XML (sections 1089-1092 on page 56 and section 1107 on page 56). Anderson does not explicitly disclose the index file is a document type definition file having a plurality of elements describing indexing data for the captured image data. However, Lal teaches the index file is a document type definition file having a plurality of elements describing indexing data for the captured image data (figs. 4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38 in col. 4, line 64 in col. 4 thru line 35 in col. 5) in order to effectively search

documents in XML. Therefore, based on Anderson in view of Lal, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

utilize the teaching of Lal to the system of Anderson in order to effectively search

documents in XML.

With respect to claim 14, Lal teaches the plurality of element declarations include

first elements related to selected parameters of the document processing system and

second elements related to selected parameters of each at least one document that is

processed, and wherein the attribute declarations include attributes that describe

detailed information about selected ones of the elements (figs. 4, 5, 7, and 9, lines 1-49

in col. 2, lines 30-38 in col. 4, line 64 in col. 4 thru line 35 in col. 5). The limitations of

claim 14 are rejected in the analysis of claim 13 above, and the claim is rejected on that

basis.

With respect to claim 15, Anderson teaches storing the image data and

associated index file in storage means of the document processor (sections 60-69 on

pages 2-3, sections 85-97 on pages 6-7, section 131 on page 9, and sections 238-245

on pages 14-15).

With respect to claims 16-18, Lal teaches the document-type definition file

includes a plurality of elements delineating parameters of the document processor, a

plurality of attributes associated with selected ones of the plurality of elements, the

association being set forth in an attribute declaration list and the document-type

definition file is created in accordance with the extensible markup language (XML) (figs.

4, 5, 7, and 9, lines 1-49 in col. 2, lines 30-38 in col. 4, line 64 in col. 4 thru line 35 in col.

5). The limitations of claims 16-18 are rejected in the analysis of claims 13-14 above, and these claims are rejected on that basis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joon Hwang
Patent Examiner
Technology Center 2100

9/1/06